



PATENT
Attorney Docket No.: AVARS-02600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: Unknown
Wayne A. Feick et al.) Examiner: Unknown
United States Serial No.: 10/070,339) **TRANSMITTAL LETTER**
Filing Date: February 27, 2002) 162 N. Wolfe Road
For: **METHOD AND APPARATUS FOR**) Sunnyvale, CA 94086
COMMUNICATING DATA) (408) 530-9700
WITHIN MEASUREMENT)
TRAFFIC) Customer No.: 28960

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DEC 23 2005

OFFICE OF PETITIONS

Sir:

Transmitted herewith for filing in the U.S. Patent and Trademark Office is a Petition to Withdrawal Holding of Abandonment under 37 C.F.R. 1.181 (a). Also submitted with this petition are:

1. Petition to Accord a September 22, 2003, Filing Date to Supplemental Declarations
2. Declaration of Annette Palladino in Support of Petition to Accord a September 22, 2003, Filing Date to Supplemental Declarations
3. Declaration of Thomas B. Haverstock in Support of Petition to Accord a September 22, 2003, Filing Date to Supplemental Declarations
4. Statement that the Supplemental Declarations Satisfy 37 C.F.R. § 1.497(a)(3)
5. Copies of the Supplemental Declarations filed with USPTO on September 22, 2003

No fee is required under 37 C.F.R. §§ 1.181 (a) or 1.10 (e).

If the Commissioner determines that any fees are required, he is authorized to charge these and any additional fees to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

By: 
Thomas B. Haverstock
Reg. No.: 32,571

Dated: 12-19-05

Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 12/19/05 By: 



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Group Art Unit: Unknown

Examiner: Unknown

**STATEMENT THAT THE
SUPPLEMENTAL DECLARATIONS
SATISFY 37 C.F.R. § 1.497(a)(3)**

162 N. Wolfe Road
Sunnyvale, CA 94086
(408) 530-9700

Customer No.: 28960

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As explained in the attached Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181(a), the Applicants timely filed Supplemental Declarations in this case. As explained below, the Supplemental Declarations cure certain defects found in previous declarations filed in this case. Accordingly, the holding of abandonment of this case should be withdrawn.

The Supplemental Declarations Respond to the Notification of Missing Requirements

The facts in this case show that the Supplemental Declarations adequately respond to the Notification of Missing Requirements:

- This application was originally filed as a PCT application, with the United States Patent and Trademark Office (USPTO) as the designated Receiving Office. The PCT application was published as International Publication Number WO 02/033893 A3, which listed one of the inventors as “Villaverde, Jose-Miguel Pulido.” In accordance with the Spanish tradition, Mr. Pulido Villaverde included as part of his last name his father’s surname (Pulido) and his mother’s maiden name (Villaverde). This inclusion of his mother’s

maiden name in some documents and its absence in others later caused some confusion at the USPTO.

- On November 18, 2002, the USPTO mailed the Applicants a Notification of Missing Requirements Under 35 U.S.C. § 371 (attached as Exhibit 1), stating that the Applicants had not filed an oath or declaration as required under 37 C.F.R. §§ 1.497(a) and (b).
- On January 17, 2003, the Applicants responded to the Notification of Missing Requirements by filing a Completion of Filing Requirements—Nonprovisional Application. The Completion of Filing Requirements included, among other things, signed declarations from each of the inventors. The declaration had two problems: First, the citizenship for one of the inventors, Mansour J. Karam, was not provided. Second, Mr. Pulido made handwritten edits to his declaration, deleting the name “Villaverde” so that his name now read “Jose-Miguel Pulido.”
- On August 22, 2003, the USPTO responded to the Completion of Filing Requirements in a Communication (attached as Exhibit 2), stating that it did not comply with the 37 C.F.R. § 1.497(a)(3) because:
 1. The country of citizenship for Mansour J. Karam was missing; and
 2. The name of “Jose-Miguel Pulido Villaverde” was altered to “Jose-Miguel Pulido,” which was “inconsistent with the name identified in the published international report, Jose-Miguel Pulido VILLAVERDE, and in the assignment documents executed by [him] on 18 December 2002.”

In the August 2003 Communication, the USPTO then stated, in part, that if the name on the published international application was correct, a supplemental declaration would have to be filed.

The USPTO reminded the Applicants that they had to respond within the later of one month from the October 22, 2003, mailing date (by September 22, 2003) or within the period for responding to the November 18, 2002, Notification of Missing Requirements.

- On September 22, 2003, the Applicants responded to the August 22, 2003, communication from the USPTO by filing signed copies of a Supplemental Declaration (attached as Exhibit 3). (Page numbers have been added to the bottom right-hand corner of Exhibit 3 to make page references easier.) The copy signed by Mr. Pulido Villaverde listed his name as "Jose-Miguel Pulido Villaverde" (Exhibit 3, page 8) so that it conformed to his name on the published PCT application, in accordance with the August 2003 Communication. The copy signed by Mansour J. Karam stated his citizenship, "Lebanon" (Exhibit 3, page 12). The Supplemental Declaration thus contained all the information required by the August 2003 Communication.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 12-16-05

By 
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Attorneys for Applicants